

108TH CONGRESS
2D SESSION

S. 2069

To expand the S visa classification to include aliens who are in possession of critical reliable information with respect to weapons of mass destruction, to establish a Weapons of Mass Destruction Informant Center, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 12, 2004

Mr. BROWNBACK (for himself and Mr. BAYH) introduced the following bill;
which was read twice and referred to the Committee on the Judiciary

A BILL

To expand the S visa classification to include aliens who are in possession of critical reliable information with respect to weapons of mass destruction, to establish a Weapons of Mass Destruction Informant Center, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “International Weapons
5 of Mass Destruction Informant Act”.

1 **SEC. 2. S VISA.**

2 (a) EXPANSION OF S VISA CLASSIFICATION.—Sec-
3 tion 101(a)(15)(S) of the Immigration and Nationality
4 Act (8 U.S.C. 1101(a)(15)(S)) is amended—

5 (1) in clause (i)—

6 (A) by striking “Attorney General” each
7 place that term appears and inserting “Sec-
8 retary of Homeland Security”; and

9 (B) by striking “or” at the end; and

10 (2) in clause (ii)—

11 (A) by striking “Attorney General” and in-
12 serting “Secretary of Homeland Security”; and

13 (B) by striking “1956,” and all that fol-
14 lows through “the alien;” and inserting the fol-
15 lowing: “1956; or

16 “(iii) who the Secretary of Homeland Se-
17 curity and the Secretary of State, in consulta-
18 tion with the Director of Central Intelligence,
19 jointly determine—

20 “(I) is in possession of critical reliable
21 information concerning the activities of
22 governments or organizations, or their
23 agents, representatives, or officials, with
24 respect to weapons of mass destruction
25 and related delivery systems, if such gov-
26 ernments or organizations are at risk of

“(II) is willing to supply or has supplied, fully and in good faith, information described in subclause (I) to appropriate persons within the United States Government;

8 and, if the Secretary of Homeland Security (or with
9 respect to clause (ii), the Secretary of State and the
10 Secretary of Homeland Security jointly) considers it
11 to be appropriate, the spouse, married and unmar-
12 ried sons and daughters, and parents of an alien de-
13 scribed in clause (i), (ii), or (iii) if accompanying, or
14 following to join, the alien;”.

(b) NUMERICAL LIMITATION.—Section 214(k)(1) of the Immigration and Nationality Act (8 U.S.C. 1184(k)(1)) is amended by striking “The number of aliens” and all that follows through the period and inserting the following: “The number of aliens who may be provided a visa as nonimmigrants under section 101(a)(15)(S) in any fiscal year may not exceed 3,500.”.

22 SEC. 3. WEAPONS OF MASS DESTRUCTION INFORMANT
23 CENTER.

24 (a) ESTABLISHMENT.—There is established within
25 the Directorate for Information Analysis and Infrastruc-

1 ture Protection of the Department of Homeland Security
2 a Weapons of Mass Destruction Informant Center.

3 (b) COORDINATOR.—The Assistant Secretary with re-
4 sponsibility for the Directorate for Information Analysis
5 and Infrastructure Protection shall appoint a coordinator
6 to execute the responsibilities, as described in subsection
7 (c), of the Weapons of Mass Destruction Informant Cen-
8 ter.

9 (c) RESPONSIBILITIES.—The Weapons of Mass De-
10 struction Informant Center established under subsection
11 (a) shall—

12 (1) receive all raw information provided from
13 aliens who are provided a visa under section
14 101(a)(15)(S)(iii) of the Immigration and Nation-
15 ality Act (8 U.S.C 1101(a)(15)(S)(iii)), as added by
16 section 101 of this Act;

17 (2) report all information that is provided by
18 such aliens and is related to the development, sale,
19 or transfer of weapons of mass destruction and re-
20 lated delivery systems, materials, and technologies to
21 senior officials at the Department of Homeland Se-
22 curity, the Central Intelligence Agency, and other
23 relevant components of the intelligence and law en-
24 forcement communities, including the Federal Bu-
25 reau of Investigation;

1 (3) ensure that all aliens who have provided
2 critical, reliable information concerning the activities
3 of any government or organization, or their agents,
4 representatives, or officials, with respect to weapons
5 of mass destruction and related delivery systems,
6 materials, and technologies, if such governments or
7 organizations are at risk of using or exporting such
8 weapons or related delivery systems, are given the
9 highest consideration for visas described in such sec-
10 tion 101(a)(15)(S)(iii);

11 (4) educate consular officers at the Department
12 of State, and immigration inspectors and examiners
13 at the Department of Homeland Security, regarding
14 the visa classification described in such section
15 101(a)(15)(S)(iii);

16 (5) facilitate, receive, and evaluate visa requests
17 for nonimmigrants described in such section
18 101(a)(15)(S)(iii) in consultation with appropriate
19 personnel both within and outside of the Department
20 of Homeland Security;

21 (6) if a visa described in such section
22 101(a)(15)(S)(iii) is approved, act in coordination
23 with the Director of the Bureau of Citizenship and
24 Immigration Services and other appropriate govern-
25 ment agencies to facilitate the issuance of such

1 visas, including additional visas as are considered to
2 be appropriate for the spouse, married or unmarried
3 sons and daughters, and parents of the alien whose
4 request was granted;

5 (7) facilitate the cooperation of aliens who re-
6 ceive such visas with the United States Government
7 in ways that further the purposes of the visa;

8 (8) ensure that aliens who receive such visas
9 comply with the terms of the visa; and

10 (9) ensure that such visas are not utilized as a
11 method of gaining entry into the United States for
12 any purpose other than those outlined in this Act.

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